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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,986	11/30/2000	E. Michael Lunsford	3COM-2962.WHD.US.P	6288

7590 08/13/2004

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EXAMINER

EL. CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/727,986	Applicant(s) LUNSFORD ET AL.	
	Examiner Hussein A El-chanti	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to amendment received on June 18, 2004. Claims 1-6, 11-15, 17-19, 21 and 23 were amended. Claims 1-23 are pending examination.

Drawings

2. The drawings were received on June 16, 2004. These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9, 11 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Multer et al., U.S. Patent No. 6,671,757 (referred to hereafter as Multer).

As to claims 1 and 21, Multer teaches a method for personal profile detection and computer readable medium comprising the steps of:

- a) accepting profile data on a first PID (Portable Information device wherein said profile data is customizable by a user of said PID (see col. 3 lines 32-55 and col. 6 lines 31-57);
- b) storing said profile data on said first PID (see col. 3 lines 32-55);
- c) providing for an exchange of information between said first PID and a second device proximate with said first PID when shared interests exist between said profile

data stored on said first PID and profile data stored on said second device that is associated with and customizable by a second user (see col. 3 lines 32-55 and col. 13 lines 51-col. 14 lines 7).

As to claim 2, Multer teaches the method of claim 1 wherein said step c) comprises providing for a user customizable exchange of information between said first PID and a second PID proximate with said first PID when shared interests exist between said profile data stored on said first PID and profile data stored on said second PID (see col. 3 lines 44-57).

As to claim 3, Multer teaches the method of Claim 1 wherein said step c) further comprises the step of:

c1) determining by said first PID shared interests existing between said profile data stored on said first PID and profile data stored on said second PID (see col. 3 lines 44-57).

As to claim 4, Multer teaches the method of Claim 3 wherein said step c1) comprises determining by said first PID shared interests existing between said profile data stored on said first PID and profile data stored on said second PID wherein said determining is user customizable (see col. 13 lines 51-col. 14 lines 7).

As to claim 5, Multer teaches the method of Claim 1 wherein said step c) further comprises the steps of:

searching for and detecting by said first PID profile data keyword information transmitted from a second PID (see col. 23 and col. 3 lines 32-55);

determining by said first PID shared interests existing between said profile data stored on said first PID and profile data stored on said second PID (see col. 23 and col. 3 lines 32-55);

requesting by said first PID from said second PID data relevant to said shared interests (see col. 23 and col. 3 lines 32-55); and

receiving said relevant data from said second PID by said first PID (see col. 23 and col. 3 lines 32-55).

As to claim 6, Multer teaches the method of Claim 1 wherein said step c) further comprises the steps of:

transmitting by said first PID user pre-determined keyword information from said stored profile data of said first PID (see col. 23 and col. 3 lines 32-55);

receiving requests by said second PID for profile data relevant to said transmitted keyword information; and transmitting said relevant profile data to said second PID (see col. 23 and col. 3 lines 32-55).

As to claim 7, Multer teaches the method of Claim 1 further comprising the step of:

d) initiating an event on at least one of said first PID and said second PID when shared interests exist (see col. 3 lines 44-57).

As to claim 9, Multer teaches the method of Claim 7 wherein said step d) further comprises displaying relevant data from said second PID on a display of said first PID (see col. 39 lines 3-30).

As to claim 11, Multer teaches the method of Claim 1 wherein said PID's comprise handheld organizers (see fig. 9B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Peterson et al., U.S. Patent No. 6,594,682 (referred to hereafter as Peterson).

As to claim 12, Multer teaches the method of claim 1 with a PID with wireless communications ability. Multer does not explicitly teach the claimed limitation "short range RF communication ability". However Peterson teaches a method of communication with a wireless portable device using short range RF signals (see col. 14 lines 1-10).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by implementing the short range RF capability because doing so would allow the portable device to communicate with network connected devices using a persistent connection.

As to claim 13, Multer teaches a personal profile detection (PID) device comprising:

a) a data input component (see col. 3 lines 32-55 and col. 6 lines 31-57);

b) means for accepting customizable profile data input by a user from said data input component, said means for accepting customizable profile data coupled to said data input component (see col. 3 lines 32-55 and col. 6 lines 31-57);

c) a data storage component coupled to said means for accepting customizable profile data, said data storage component adapted to storing said customizable profile data (see col. 3 lines 32-55 and col. 6 lines 31-57); and

d) a receiver coupled to said means for accepting customizable profile data, said RF communications receiver adapted to receive information from a proximate device (see col. 3 lines 32-55 and col. 6 lines 31-57).

Multer teaches the method of claim 1 with a PID with wireless communications ability. Multer does not explicitly teach the claimed limitation "short range RF communication ability". However Peterson teaches a method of communication with a wireless portable device using short range RF signals (see col. 14 lines 1-10).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by implementing the short range RF capability because doing so would allow the portable device to communicate with network connected devices using a persistent connection.

As to claim 14, Multer teaches the PID of claim 13 comprises providing for a user customizable exchange of information between said first PID and a second PID proximate with said first PID when shared interests exist between said profile data stored on said first PID and profile data stored on said second PID (see col. 3 lines 44-57).

As to claim 15, Multer teaches the PID of claim 13 comprises exchange of information between said first PID and a second device proximate with said first PID when shared interests exist between said profile data stored on said first PID and profile data stored on said second device that is associated with and customizable by a second user (see col. 3 lines 32-55 and col. 13 lines 51-col. 14 lines 7).

As to claim 16, Multer teaches the PPD device of Claim 13 wherein said data storage component is selected from the group consisting of volatile memory, nonvolatile memory, solid-state memory, mass storage or other storage components (see col. 3).

As to claim 17, Multer teaches the PPD of claim 13 wherein said step comprises displaying relevant data from said second PID on a display of said first PID (see col. 39 lines 3-30).

As to claim 18, Multer teaches the PPD of claim 15 are adapted to:

searching for and detecting by said first PID profile data keyword information transmitted from a second PID (see col. 23 and col. 3 lines 32-55);

determining by said first PID shared interests existing between said profile data stored on said first PID and profile data stored on said second PID (see col. 23 and col. 3 lines 32-55) and accepting customizable personal profile data request from said proximate PID data relevant to said shared interest.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Khan et al., U.S. Patent No. 6,460,038 (referred to hereafter as Khan).

Multer teaches the method of Claim 1 further comprising the step of initiating an event on at least one of said first PID and said second PID when shared interests exist (see col. 3).

Multer does not explicitly teach the limitation "sounding of an alarm on said first PID". However Khan teaches a method of sounding an alarm on a device according to a user profile (see col. 11 lines 10-33).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by incorporating an alarm as taught by Khan because doing so would allow the user to be notified whenever an update exists using a speaker and therefore notifying the user of an update without having a view of the device's display.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Peterson, in view of Khan et al., U.S. Patent No. 6,460,038 (referred to hereafter as Khan).

Multer teaches the PID of Claim 14 further comprising the step of initiating an event on at least one of said first PID and said second PID when shared interests exist (see col. 3).

Multer does not explicitly teach the limitation "sounding of an alarm on said first PID". However Khan teaches a method of sounding an alarm on a device according to a user profile (see col. 11 lines 10-33).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by incorporating an alarm as taught by Khan because

doing so would allow the user to be notified whenever an update exists using a speaker and therefore notifying the user of an update without having a view of the device's display.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Rezvani et al., U.S. Patent No. 6,686,838 (referred to hereafter as Rezvani).

Multer teaches a method for accepting and storing a user profile and providing for an exchange of information between a first and second portable device (see the rejection of claim 1).

Multer do not explicitly teach the claimed limitation "providing for an exchange which incorporate the Bluetooth protocol". However Rezvani teaches a method of communication using a Bluetooth protocol (see col. 4 lines 18-55).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by incorporating a Bluetooth protocol as taught by Rezvani because doing so would allow the user to use short-range radio links between mobile computers, mobile phones, digital cameras, and other portable devices to exchange data between devices.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of Peterson further in view of Rezvani et al., U.S. Patent No. 6,686,838 (referred to hereafter as Rezvani).

Multer teaches a method for accepting and storing a user profile and providing for an exchange of information between a first and second portable device (see the rejection of claim 12).

Multer do not explicitly teach the claimed limitation "providing for an exchange which incorporate the Bluetooth protocol". However Rezvani teaches a method of communication using a Bluetooth protocol (see col. 4 lines 18-55).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Multer by incorporating a Bluetooth protocol as taught by Rezvani because doing so would allow the user to use short-range radio links between mobile computers, mobile phones, digital cameras, and other portable devices to exchange data between devices.

8. Claims 22 and 23 do not add or define any additional limitation over claims 1-13 and therefore are rejected for similar reasons.

9. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

August 2, 2004


SALEH NAJJAR
PRIMARY EXAMINER